

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**ABEL GONZALEZ GONZALEZ and
OLMAN ELISEO VELASQUEZ FUENTES,
individually and on behalf of all others similarly
situated,**

Case No.: 20-cv-04568 (VEC)

**DECLARATION OF JAMIE S.
FELSEN**

**Plaintiffs,
-against-**

**TREADWELL PARK LLC (D/B/A
TREADWELL PARK), 301 SOUTH LLC
(D/B/A TREADWELL PARK), CAMGT 510
W42 RESTAURANT OPERATING LLC
(D/B/A TREADWELL PARK), 1125 FIRST
LLC (D/B/A SUGAR EAST), 245 PARK
LLC (D/B/A OAXACA MEXICAN GRILL),
ABRAHAM MERCHANT, ANDREW
(A.K.A. EMMET, and FERNANDO
RODRIGUEZ,**

Defendants.

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I, Jamie S. Felsen, Esq., pursuant to 28 U. S.C. § 1746 and Local Civil Rule 1.10 of the U.S. District Court for the Southern District of New York, declare as follows:

1. I am a member of Milman Labuda Law Group PLLC, counsel for the Defendants, and as such, I have personal knowledge about the contents of this declaration.
2. This declaration is submitted in support of Defendants' Motion for Sanctions against Plaintiff, Olman Eliseo Velasquez Fuentes ("Fuentes") and his counsel, CSM Legal PC ("CSM").
3. On April 23, 2021, I provided Fuentes' counsel with payroll records establishing (1) that Fuentes was always paid an hourly rate and he was never paid a salary; (2) that he was paid spread of hours; and (3) that he was provided with a wage notice and wage statements. (**Annexed hereto as Exhibit "A" is a copy of the payroll records and wage notices I provided to Fuentes' counsel).**

4. On April 21, 2021, Fuentes' counsel provided me with a spreadsheet calculating Fuentes damages at \$103,000.

5. On June 10, 2021, Fuentes' counsel provided me with a revised spreadsheet reducing his damage computation to \$85,906.67.

6. On November 15, 2021, Fuentes' counsel provided me with a revised spreadsheet reducing his damage computation to \$24,509.73 due to Fuentes correcting in his calculation a misrepresentation contained in the Complaint that he commenced working for Defendants in 2014, when, in fact, he did not commence his employment until April 30, 2017. (**A copy of the spreadsheet is annexed hereto as Exhibit “B”**).

7. I communicated with Fuentes' counsel by e-mail from November 15, 2021 through December 8, 2021 regarding the latest calculation of Fuentes' damages contained in Exhibit B. (**A copy of the e-mail correspondence is annexed hereto as Exhibit “C”**).

8. On December 8, 2021, I notified Fuentes' counsel by letter about Defendants' intention to file a motion for sanctions and providing Fuentes with 21 days to withdraw his claims with prejudice along with a notice of motion. (**A copy of the December 8, 2021 letter is annexed hereto as Exhibit “D”**). Fuentes' counsel did not respond.

9. Michael Faillace, the founder of Michael Faillace & Associates, P.C., former counsel for Fuentes, was suspended from practicing law in the SDNY and EDNY for keeping some of his clients' settlement proceeds. (**A copy of the orders suspending Mr. Faillace are annexed hereto as Exhibit “E”**).

10. When Mr. Faillace learned he was going to be suspended, CSM was created and appeared in this action as counsel for Fuentes. CSM is the successor to Michael Faillace & Associates, P.C., and upon information and belief, CSM is located in the same office as Michael Faillace & Associates, P.C., employs the same staff that was employed by Michael Faillace &

Associates, P.C., and has appeared in all of the current actions in which Michael Faillace & Associates, P.C. previously represented the plaintiffs.

Dated: January 21, 2022
Lake Success, NY

MILMAN LABUDA LAW GROUP PLLC

/s/ Jamie S. Felsen, Esq.